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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,553	Applicant(s) RAJABALI ET AL.	
	Examiner Brent T. O'Hern	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-11,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-11,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 1-3, 7-11 and 21-23 are pending with claims 21-23 new.

WITHDRAWN OBJECTIONS/REJECTIONS

2. All objections/rejections of record in the Office action mailed 9/4/2008 have been withdrawn due to Applicant's amendments in the Paper filed 3/4/2009.

NEW OBJECTIONS

Specification

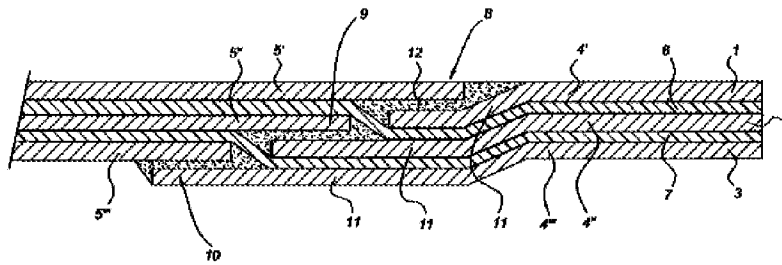
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the Specification does not have textual support for the phrases "another, one of said mutually overlapping ends being displaced in a thickness direction of the laminate to overlap the other of said mutually overlapping ends so that, except for the displaced one of the ends" in claim 1, lines 7-10, "said fill being spaced from the mutually overlapping ends" in claim 1, lines 13-14, "one of said mutually overlapping ends being displaced in a thickness direction of the laminate to overlap the other of said mutually overlapping ends" in claim 22, lines 7-9 and "is provided between two of said metal layers and spaced laterally from the mutually overlapping ends" in claim 22, lines 12-14. Applicant is advised to consider amending the text of the Specification while being careful not to add new matter.

NEW REJECTIONS

Claim Rejections - 35 USC § 102

4. Claims 1-3, 7, 9, 11 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Roebroeks (WO 02/078950 A1).

Regarding claim 1, Roebroeks ('950) teaches a laminate of alternating metal layers and at least one plastic bonding layer (*See p. 2, ll. 7-11 and FIG, alternating metal layers 1-3, 5', 5'', 5'''', plastic layers 6-7 and plastic bonding glue layer #12.*),



each of the metal layers comprising two metal layer sections, the two metal layer sections having mutually overlapping ends whose opposing surfaces are bonded to one another (*See the FIG where the metal layers overlap in the middle region and bonded by the glue #12.*), one of the mutually overlapping ends being displaced in a thickness direction of the laminate to overlap the other of the mutually overlapping ends so that, except for the displaced one of the ends so that the two metal layer sections are extensions of one another (*See FIG where the metal layers overlap and layers 1 and 3 are displaced in the thickness direction.*), and a fill that comprises at least one further metal layer, the fill being spaced from the mutually overlapping ends and having a thickness such that at the location of the fill the laminate has a thickness equal to a thickness of the laminate at the mutually overlapping ends (*See FIG where the middle*

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layer of metal layers are the fill with the thickness in the middle region being constant prior to the transitions at the ends.).

Regarding claims 2-3, Roebroeks ('950) teaches a laminate wherein the fill is on at least one/(two) side(s) of two of the mutually overlapping ends (*See FIG, where the fill is on both sides of the ends.*).

Regarding claim 7, Roebroeks ('950) teaches a laminate wherein the fill further comprises at least one plastic bonding layer (*See FIG, metal layers and the additional plastic bonding layers #12.*).

Regarding claim 9, Roebroeks ('950) teaches a laminate wherein the plastic bonding layer comprises a layer of adhesive (*See FIG adhesive of #12.*).

Regarding claim 11, Roebroeks ('950) teaches a laminate wherein the fill is interlaminar (*See entire FIG.*).

Regarding claims 21 and 23, Roebroeks ('950) teaches wherein the further metal layer has a thickness the same as that of the metal layers (*See p. 2, ll. 7-11 and FIG, where the metal layers 1-3, 5',5'',5''' have the same thickness.*).

Regarding claim 22, Roebroeks ('950) teaches a laminate comprising alternating metal layers (*See p. 2, ll. 7-11 and FIG, alternating metal layers 1-3, 5',5'',5'''*) and at least one plastic bonding layer (*See p. 2, ll. 7-11 and FIG, plastic bonding glue layer #12.*), each of the metal layers comprising two metal layer sections, wherein in a join region of the laminate the two metal layer sections have mutually overlapping ends (*See the FIG where the metal layers overlap in the middle region.*) whose opposing surfaces are bonded to one another, one of the mutually overlapping ends being displaced in a

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thickness direction of the laminate to overlap the other of the mutually overlapping ends *(See FIG where the metal layers overlap and layers 1 and 3 are bonded by glue #12 and displaced in the thickness direction.)*, and wherein in a fill region of the laminate a fill, comprising a further metal layer, is provided between two of the metal layers and spaced laterally from the mutually overlapping ends, the fill having a thickness such that in the fill region the laminate has a thickness equal to a thickness of the laminate in the join region *(See FIG where the middle layer of metal layers are the fill with the thickness in the middle region being constant prior to the transitions at the ends.)*.

Claim Rejections - 35 USC § 103

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roebroeks (WO 02/078950 A1).

Roebroeks ('950) teaches the laminate discussed above, however, fails to expressly disclose wherein the further metal layer has a thickness greater than that of the metal layers.

However, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to provide a structure having layers with variable thickness, depending on the end use requirements for reasons such as support or uniform inner or outer surface profiles.

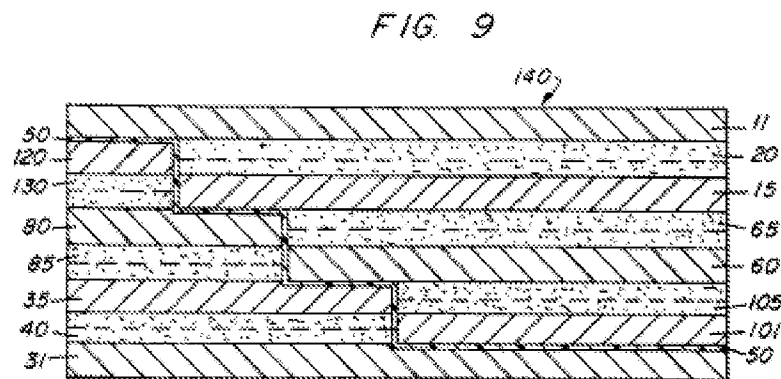
Therefore, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to provide some metal layers that are thicker than other layers.

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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roebroeks (WO 02/078950 A1) in view of Lambing (US 5,160,771).

Roebroeks ('950) teaches the laminate discussed above, however, fails to expressly disclose wherein the plastic bonding layer comprises a fibre layer that has been impregnated with an adhesive.

However, Lambing ('771) teaches a laminate wherein the plastic bonding layer comprises a fibre layer that has been impregnated with an adhesive (*See col. 5, ll. 34-37, col. 3, l. 36 and FIGs 9 and 3, #50.*) for the purpose of providing a structure having high tensile strength (*See col. 2, ll. 29-33.*).



Therefore, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to substitute Roebroeks' ('950) plastic layer with the above fibre plastic layer in order to provide a structure that has high tensile strength.

ANSWERS TO APPLICANT'S ARGUMENTS

7. In response to Applicant's arguments (*p. 5, para. 5 to p. 6 of Applicant's Paper filed 15 August 2008*) that Roebroeks ('950) does not teach the amended claims, it is

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noted that the claims are significantly different with the new limitations discussed above. Instead of the polymeric material of Roebroeks ('950) being interpreted as a fill material the middle metal layers are now interpreted as being the fill material as discussed above, thus, Applicant's arguments regarding these issues are moot.

8. In response to Applicant's arguments (*p. 7 of Applicant's Paper filed 15 August 2008*) that Roebroeks ('950) does not teach the new claims, it is noted the limitations of the new claims are discussed above.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BTO/
Brent T. O'Hern
Examiner
Art Unit 1794
May 4, 2009

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794